

**PROPOSED REGULATION OF THE
STATE BOARD OF OSTEOPATHIC MEDICINE**

LCB File No. R093-11

September 1, 2011

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: NRS 633.291.

A REGULATION relating to the status of licenses upon a failure to renew and the prorating of licensure fees and matters properly relating thereto.

Section 1. NAC 633.255 is hereby amended to read as follows:

1. A license that the Board has suspended will be revoked pursuant to NRS 633.481 if:

~~1.~~ *(a)* The license expires during the period of suspension; and

~~2.~~ *(b)* The licensee fails to renew the license as set forth in NRS 633.471.

2. Where a license is revoked pursuant to subsection 1 for a failure to timely renew the license, the license shall be reported publicly as “revoked” and shall be treated for all intents and purposes as though it were revoked as the result of a disciplinary action by the board.

3. Where a license is revoked pursuant to NRS 633.481(1) for a failure to timely renew the license and the license was in good standing at the time that the licensee was revoked shall be reported publicly as “expired- non-payment” and shall not be treated as though it were revoked as the result of a disciplinary action. If a license that has been reported publicly as “expired- non-payment” pursuant to this subsection is renewed pursuant to NRS 633.481(3), its status publicly shall be changed from “expired- non-payment” to “good standing.”

4. A license that has been revoked pursuant to NRS 633.481(1) may not be renewed pursuant to NRS 633.481(3) more than one year after it has been revoked pursuant to NRS 633.481.

Section 2. NAC 633.270 is hereby amended to read as follows:

1. The Executive Director of the Board or his designee:

(a) Shall review the application and accompanying materials submitted by an applicant to determine if there may be grounds for rejecting the application or grounds for denying the issuance of a license to the applicant; and

(b) May request the applicant to submit such additional evidence of the mental, physical, medical or other qualifications of the applicant as the Executive Director or his designee believes the Board may require.

2. Upon the completion of the review of an application by the Executive Director or his designee, the Executive Director shall:

(a) Schedule a hearing on the application at a meeting of the Board.

(b) Send written notice of the hearing to the applicant at least 21 days before the meeting. The notice must conform to subsection 2 of NRS 233B.121, be given by certified mail, postage prepaid, and be addressed to the last address furnished by the applicant. If the Executive Director has reason to believe that there are grounds for denying the issuance of a license to the applicant, the notice must include a short and plain statement that specifies each such ground.

(c) Provide a copy of the notice to each member of the Board.

3. The Board will deny the issuance of a license only after:

(a) Notice to the applicant specifying the precise grounds upon which the denial is proposed; and

(b) A hearing before the Board at which the applicant is given an opportunity to respond to each ground specified in the notice.

4. An applicant bears the burden of proving to the Board that issuing a license to him is in the best interest of the public health and safety and the general welfare of the people of this State.

5. As used in this section, “grounds for denying the issuance of a license” includes, without limitation:

(a) Any grounds authorized by a specific statute;

(b) Failure to fulfill any applicable statutory requirement;

(c) Submitting an application or accompanying material which is incomplete, incorrect or inconsistent, or which has been obtained by fraud, misrepresentation or mistake; and

(d) Engaging in any conduct that would, if committed by a licensee, be grounds for initiating disciplinary action pursuant to NRS 633.511.

6. This section applies to renewal applications and applications to change a license’s status from inactive to active except that the matter shall not be treated as a hearing pursuant to subsection (a) of section 2 and subsection (a) of section 3 and, instead, shall be treated as an appearance item rather than as a formal hearing.

Section 3. NAC chapter 633 is hereby amended to add the following new language:

For any application for an initial license for an osteopathic physician or a physician assistant that will expire less than 6 months after the date of issuance, the Board shall prorate the initial license fee by reducing the fee by one-half.